

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BEN COLE BUCKLES, SR.,

Defendant.

CR-17-66-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 7, 2024. (Doc. 62.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 6, 2024. (Doc. 61.) The United States accused Ben Cole Buckles, Sr. (Buckles) of violating his conditions of supervised release by: (1) using his cellular flip phone to access the internet; (2) failing to notify the probation office of a change of his residence

within 72 hours; (3) failing to answer truthfully questions asked by his probation officer, by denying using his cellular flip phone to access the internet; (4) failing to notify the probation office of a change of his employment within 72 hours by quitting his employment without prior approval and failing to advise his probation officer that he had done so; and (5) failing to enter and successfully complete an outpatient sex offender treatment program by being terminated from sex offender treatment on July 3, 2024. ((Doc. 52.)

At the revocation hearings Buckles admitted to having violated the conditions of his supervised release by: (1) using his cellular flip phone to access the internet; (2) failing to notify the probation office of a change of his residence within 72 hours; (3) failing to answer truthfully questions asked by his probation officer, by denying using his cellular flip phone to access the internet; (4) failing to notify the probation office of a change of his employment within 72 hours by quitting his employment without prior approval and failing to advise his probation officer that he had done so; and (5) failing to enter and successfully complete an outpatient sex offender treatment program by being terminated from sex offender treatment on July 3, 2024. Buckles' violations are serious and warrant revocation of his supervised release. (Doc. 61.)

Judge Johnston found that the violations Buckles admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 1 year and 1 day, with no period of supervised release to follow. (Doc.62.)

The violation proves serious and warrants revocation of Galleneaux's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 62.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Ben Cole Buckles, Sr. be sentenced to a term of custody of 1 year and 1 day with no period of supervised release to follow.

DATED this 27th day of August, 2024.



Brian Morris, Chief District Judge
United States District Court